

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

I. Claim Status / Explanation of Amendments:

Claims 1, 4 and 7-16 are pending, of which claims 1, 4, 7, 11, and 14 were rejected while claims 8-10, 12-13, and 15-16 were objected to. The indication of allowable subject matter in claims 8-10, 12-13, and 15-16 is acknowledged with appreciation. These claims were not rejected, but were merely objected to as being dependent on a rejected base claim.

By this paper, claims 1, 4, 9-13, and 15 are amended whereas claim 8 is cancelled. Claims 1 and 4 are amended to incorporate the subject matter of allowed claim 8. Allowed claims 9-13, and 15 have been rewritten into independent form, such that these claims each include all of the elements of claim 1 and intervening claim 7. Claim 11 is also amended to recite, *inter alia*, that the "light emitting portions are defined by providing an electron injection layer between the cathode of the pair of electrodes and the organic layer at a plurality of locations." Support for the amendment to claim 11 may be found throughout the application as originally filed including, for example, ¶[0205] and Fig. 11.

No new matter will be introduced into this application by entry of these amendments. Entry is respectfully requested since these amendments overcome the double patenting rejection and are necessary to put all claims in condition for allowance.

II. Double Patenting Rejection:

Claims 1, 4, 7, 11, and 14 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11, and 12 of U.S. Patent No. 7,521,861 to Kawauchi, et al. (hereinafter "Kawauchi"). [6/8/10 Office Action, p. 3]. Applicants respectfully traverse the rejection since rejected claims 1, 4, 7, 11, and 14 are believed to present patentable matter which is sufficiently distinct from claims 1, 11, and 12 of Kawauchi. However, in order to expedite prosecution of this application and facilitate allowance of the claims, Applicants have amended independent claims 1 and 4 to incorporate the subject matter of allowed claim 8. Accordingly, Applicants respectfully submit that independent claims 1 and 4 are patentably distinct from Kawauchi and, hence, are in condition for allowance. Since claims 7 and 14 depend from claim 1 they are also ascertained to be allowable for at least similar reasons.

Applicants have also rewritten claim 11 into independent form such that it now recites the subject matter of claim 1 and intervening claim 7. Claim 11 has also been amended for further clarity such that it now recites, *inter alia*, that the "light emitting portions are defined by providing an electron injection layer between the cathode of the pair of electrodes and the organic layer at a plurality of locations." This amendment clarifies that the incorporation of an electron injection layer is used to define the light emitting and non-light emitting regions within the electroluminescent element. Since Kawauchi neither teaches nor discloses defining light emitting and non-light emitting regions in this manner, Applicants respectfully submit that claim 11 is also patentably distinct over Kawauchi.

Applicants therefore respectfully request that the double patenting rejection of claims 1, 4, 7, 11, and 14 be withdrawn and submit that these claims are now allowable for the above reasons. Early, favorable action in that regard is respectfully requested.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicants have chosen not to swear behind the references cited by the Office Action, or to otherwise submit evidence to traverse the rejection at this time. Applicants, however, reserve the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Furthermore, Applicants have not specifically addressed all rejections of the dependent claims. Applicants respectfully submit that the independent claim from which they depend is in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

In light of the foregoing claim amendments and response, Applicants respectfully submit that all of the pending claims are now in condition for allowance. Thus, it is respectfully requested that the double-patenting rejection be withdrawn, and all the claims be allowed such that this application may expeditiously pass to issue.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Document to Deposit Account No. **504827**, Order No. **1004378.53060**. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **504827**, Order No. **1004378.53060**.

Respectfully submitted,
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